

### **REMARKS**

Applicant has carefully reviewed the Application in light of the Final Office Action mailed November 1, 2006. Claims 2-4, 7, 9-10, 14-15, and 40-70 were pending and rejected in the Application. Applicant has amended Claims 44, 49, and 62 to correct typographical errors. Applicant has cancelled Claims 15, 57, and 70 without prejudice or disclaimer, and has added new Claims 71-73. To advance prosecution of this application, Applicant has responded to each notation by the Examiner. Applicant submits that all of the pending claims are allowable over the cited references. Applicant respectfully requests reconsideration, further examination, and favorable action in this case.

### **Claim Objections**

The Examiner objects to Claims 15, 57, and 70 and has requested correction of the specification to address various formalities. In the interest of advancing the case to issuance in the most expedient manner, Applicant cancels Claims 15, 57, and 70 without prejudice or disclaimer, rendering the objection to those claims moot.

### **Section 103 Rejection**

The Examiner rejects Claims 2-4, 9-10, 14-15, 40-52, and 54-57 under 35 U.S.C. §103(a) as being unpatentable over *Thompson* in view of U.S. Patent No. 4,967,870 issued to Airhart (hereinafter "*Airhart '870*"). Applicant respectfully traverses these rejections.

The Examiner identifies *Airhart '870* as allegedly teaching a housing (Figure 1, #30) at least partially surrounding a striker (32), and an impact isolator (44) coupled to a surface (42). Independent Claim 40 requires "an impact isolator operable to allow the housing to move relative to the surface *upon an impact of the striker with the surface.*" (emphasis added). Surface 42 in *Airhart '870* is the lower surface of base plate 16. See *Airhart '870*, Col. 3, ll. 63-66. Element 32, which the Examiner identifies as the alleged striker in *Airhart '870*, never impacts with the surface 42. Neither *Thompson* nor *Airhart '870*, taken separately or in combination, disclose, teach, or suggest "an impact isolator operable to allow

the housing to move relative to the surface *upon an impact of the striker with the surface*” as required by Claim 40.

Independent Claims 45 and 58 are patentable for similar reasons. For example, Claim 45 recites “wherein the impact isolator is operable to allow the housing to move relative to the surface upon an impact of the striker with the surface.” Claim 58 recites “an impact isolator operable to allow the housing to move relative to the surface upon an impact of the striker with the surface.” Again, the alleged striker (30) in *Airhart* ‘870 never impacts the alleged surface (42) of *Airhart* ‘870. For Claim 58, the Examiner’s rejection relies on a combination of the *Thompson* and *Airhart* references, in further combination with U.S. Patent Pub. No. 2003/0201101 issued to Kostrov (hereinafter “*Kostrov*”). The *Kostrov* reference, however, also does not teach the claim elements discussed here. Applicant respectfully requests withdrawal of the claim rejections and favorable action with respect to Claims 40, 45, and 58.

Claim 42, which ultimately depends from patentable Independent Claim 40, recites an “anvil disposed between the strike plate and the striker.” The Examiner identifies base plate 16 of Figure 1 of *Airhart* ‘870 as an alleged strike plate, and upper surface 40 of base plate 16 of Figure 1 as something that “can be an anvil.” See *Office Action*, p. 3. However, *Airhart* ‘870 refers to surface 40 as “concave surface 40 located on the upper surface of the base plate 16.” See *Airhart* ‘870, Col. 3, ll. 58-61. Concave surface 40 is merely a surface of base plate 16. For this reason, neither *Thompson* nor *Airhart* ‘870, alone or in combination, disclose, teach, or suggest an “anvil disposed between the strike plate and the striker” as recited in Claim 42.

Dependent Claim 47, which ultimately depends from patentable Independent Claim 45, recites “wherein the surface further comprises an anvil disposed between the strike plate and the striker.” Dependent Claim 60, which ultimately depends from patentable Independent Claim 58, recites “wherein the surface further comprises an anvil disposed between the strike plate and the striker.” As discussed above, neither *Thompson* nor *Airhart*

'870, alone or in combination, disclose, teach, or suggest these claim features. Moreover, the *Kostrov* reference, which the Examiner uses in further combination with the *Thompson* and *Airhart* references to reject Claim 60, also does not teach the claim elements discussed here. Applicant respectfully requests withdrawal of the claim rejections and favorable action with respect to Claims 42, 47, and 60.

Dependent Claim 43, which ultimately depends from patentable Independent Claim 40, recites that "the impact isolator comprises a member having a slot positioned substantially in line with a line of impact of the striker, and wherein the surface comprises a pin operable to be slidably coupled within the slot." The Examiner points to Figures 4 and 7 of *Airhart* '870 as allegedly teaching a member having a slot positioned substantially in line with a line of impact of the striker. See *Office Action*, p. 3. Figures 4 and 7 in *Airhart* '870 are said to be similar in structure to the impact isolators illustrated in Figure 1. As seen in Figures 1 and 2 of *Airhart* '870, the members alleged to have a slot are not positioned "substantially in line" with a line of impact of the striker. The *Thompson*—*Airhart* '870 combination does not disclose, teach, or suggest "wherein the impact isolator comprises a member having a slot positioned substantially in line with a line of impact of the striker" as recited in Claim 43. Dependent Claim 48, which ultimately depends from patentable Independent Claim 45, and Dependent Claim 61, which ultimately depends from patentable Independent Claim 58, each recites that the "impact isolator comprises a member having a slot and wherein the surface comprises a pin, and wherein slidably coupling the impact isolator to the surface comprises positioning the pin within the slot substantially in line with a line of impact of the striker." For at least the reasons described above, Dependent Claims 48 and 61 are also patentable over the *Thompson* and *Airhart* references. Moreover, the *Kostrov* reference, which the Examiner uses in further combination with the *Thompson* and *Airhart* references to reject Claim 61, also does not teach the claim elements discussed here. Applicant respectfully requests withdrawal of the claim rejections and favorable action with respect to Claims 43, 48, and 61.

Dependent Claim 44, which ultimately depends from patentable Independent Claim 40, recites that “the surface further comprises an anvil disposed between a strike plate and the striker, and wherein the pin is rigidly coupled to the anvil.” The Examiner contends that element 202 of *Airhart* ‘870 “is rigidly coupled (via # 204) to the strike plate 16....” See *Office Action*, p. 3. However, *Airhart* ‘870 states that a “pad or shock absorber 204 has been mounted on the lower end of the piston 202 between the piston 202 and the surface of the base plate 16.” *Airhart* ‘870, Col. 6, ll. 63-65. Even if the base plate 16 is considered an anvil, the alleged pin 202 in *Airhart* ‘870 is not rigidly coupled to the base plate 16. The pad is “mounted” on the piston 202, not on the base plate 16. Thus the pin is not “rigidly coupled to the anvil” as recited in Claim 44. Neither *Thompson* nor *Airhart* ‘870, alone or in combination, disclose, teach, or suggest “an anvil disposed between a strike plate and the striker, and wherein the pin is rigidly coupled to the anvil.” Applicant respectfully requests reconsideration and allowance of Claim 44. Dependent Claims 49 and 62, which ultimately depend from patentable Independent Claims 45 and 58, respectively, also recite that “the surface further comprises an anvil disposed between a strike plate and the striker, and wherein the pin is rigidly coupled to the anvil.” Neither the combination of *Thompson* and *Airhart* ‘870 (Claim 49), nor the combination of *Thompson*, *Airhart* ‘870, and *Kostrov* (Claim 62) disclose the claim elements discussed here. Applicant respectfully requests withdrawal of the claim rejections and favorable action with respect to Claims 44, 49, and 62.

Claims 2-4, 7, 9, 10, 14, 41-44, and 71 ultimately depend from patentable Independent Claim 40, and thus are also allowable for at least the reasons discussed above. Claims 46-56 and 72 ultimately depend from Independent Claim 45, and thus are allowable for at least the reasons discussed above. Claims 59-69 and 73 ultimately depend from Independent Claim 58, and thus are allowable for at the reasons discussed above. Applicant respectfully requests reconsideration and allowance of these claims.

Applicant has added new Claims 71-73. These three claims depend from Independent and allowable Claims 40, 45, and 58, respectively, and are also allowable for at least the

reasons discussed above with respect to Claims 40, 45, and 58, and also in view of their own recitations. Applicant respectfully requests allowance of these claims.

**Information Disclosure Statement**

An Information Disclosure Statement (IDS) and accompanying PTO-1449 form were filed on November 8, 2006, after the receipt of the Final Office Action. Applicant respectfully requests that the Examiner consider the cited references and provide the appropriate indication that they have been considered by initialing next to the references on the PTO-1449 form. For the convenience of the Examiner, a copy of the Information Disclosure Statement and accompanying PTO-1449 are attached for his convenience.


**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims. Because this Response places this case in condition for allowance or at least in a better position for appeal, Applicant requests that it be entered.

Applicant believes no fee is due. However, if this is not correct, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney, Douglas M. Kuehl, at 214.953.6486.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant

  
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Douglas M. Kuehl  
Reg. No. 41,915

Date: January 3, 2007

Correspondence Address:

2001 Ross Avenue  
Dallas, TX 75201-2980  
214-953-6486

Customer No. **05073**